IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 23633 of 2007(L)

AGAINST THE ORDER IN IA 2177/2007. IN GOP.105/2004
of ADDL.DISTRICT COURT, THRISSUR

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PETITIONER:

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1. RINU(MINOR), AGED 8 YEARS,
D/O THOMAS, MUTTICHURKARAN HOUSE,
MISSION QUARTERS, THRISSUR.

2. MINU(MINOR), AGED 8 YEARS,
-DO- -DO-
PETITIONERS NO.1 & 2 ARE REPRESENTED BY THEIR
GUARDIAN, THOMAS, S/O MUTTICHURKARAN TONY,
RESIDING AT MUTTICHURKARAN HOUSE,
MISSION QUARTERS, THRISSUR.

BY ADV. SRI.JOMMY THARIAN
SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS:

NIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

W.P.(C). 23633/2007

Dated this the 2nd day of August, 2007

JUDGMENT

This writ petition is filed against the order of the First Additional District Judge who, by her order, rejected the prayer of the writ petitioner to invest the amount due to the minors in a beneficial scheme. A perusal of the affidavit in the petition would reveal that what the guardian wants is only to re-invest the amount in a better scheme which will provide 9.5% interest for the minors, instead of 6.5% which is being received now. Certainly the Court below should have considered it sympathetically and certainly it should have allowed it, if it was satisfied that there is such a scheme. Therefore, order under challenge is set aside and the First Additional District Judge, Thrissur, is directed to re-consider the matter afresh by bestowing her attention that if it is beneficial to the minor, it shall be allowed and if the Court has any apprehension about giving the original fixed deposit receipt to the party, the court may send it direct

to the Bank, get it re-deposited in the revised scheme and get back it and keep it in safe custody.

The writ petition is disposed of accordingly.

M.N.KRISHNAN
JUDGE

mrcs